

did I tell about this time? A. I think it was after I went to school. I think it was after I went to school. So did you go? A. I went out and you tell a boy I was of dinner that day at your house? A. My mother and I went to your house. I think it was George Snodgrass came in after we were there and he told his dinner. A. Yes Sir. It is after he had you there. I think his dinner that you A. Yes Sir. You recalled where your mother was when you told me I think she was in the front room up day, on that day, you came back, where did you find her? A. I found her in the front room. [Cunningham here gave a broad smile.] A. I think you told me that your little brothers at home when you came A. Yes Sir. I wish you would state what occurred at that time. A. I brought in of the milk to my mother and then folded up some of my clothes, you into the trunk. A. What the trunk you were going to take away? A. Yes Sir. On recollect what next occurred? A. After I had been about time—my two brothers George and John came and returned with Mr. Eckel. A. Mr. Eckel came into the room, what occurred? A. He brought up some candles, oranges and six to send to school. A. What the trunk you were going to take away? A. Nothing particular. You recollect your brothers' going up to bed? A. They went up and afterward returned; mother told them, and George Snodgrass was ready to retire with them, and you know at what time George Snodgrass and your mother started to go to bed? A. Not till now I don't know. You returned after getting your valise, did you go on the same day, or a different one from what you told me? A. Yes Sir. When you left her? A. She had on the dress that you told me she had on at that time. A. And I told you that she had on the dress that you told me she had on at that time. A. Yes Sir.

It was still morning.
 "What kind of a dress was it? A. Black silk blouse and skirt.
 "Where did you dress next morning? A. She had it at her room; she compelled her to take it off and have it changed.
 "Is the same dress which she wore the night before?
 "No, did you sleep that night? A. I slept with my sister; I did not see the third floor.
 "Did they decide you and your mother? A. My mother.
 "What time did you retire? A. About 11½.
 "Did you immediately to sleep? A. No, Sir; we laid talked a short time.
 "Did you get into bed? A. Yes, which slept in the middle; mother got up from the time when you retired during to your knowledge? A. No, Sir, she did not get up; you hear any noise in the house that night? A. No, Sir.
 "Do you observe any unusual odor? No, Sir.
 "Did you get up in the morning? A. Yes, Sir; I did not know whether anything unusual till you heard of the Doctor.
 "No, Sir.
 "Did you breakfast with the family? Yes, Sir.
 "What time did you breakfast? A. My mother, George and I, and George Snodgrass were at breakfast, and then I went down a few moments afterwards.
 "Did you have breakfast that morning? A. No, Sir, before breakfast.
 "What time did you get down that morning before breakfast?
 "Your mother? A. I did not. I went down with her when she is stars in the morning.
 "Did your mother call her breakfast that morning? A. Yes.
 "Do you remember what she ate for breakfast? A. I don't know.
 "Did you hear of the death of Dr. Burdell? A. Nothing about 8, 10 of 9, or 10 o'clock.
 "Where were you? A. In the dining room, third floor, and I was not satisfied? I. I cannot, the cook.
 "Do you any intimation of it before? A. No; not say any thing.
 "Do you recollect what was the language in which Hannah said? A. I remember heartily her say, "Dr. Burdell is murdered."—I don't know which, that is all I know.
 "Did that transpired? A. No, I don't recollect what it was transpired.
 "Did you take him till 3 o'clock, which the un-

ing," said the Court, "that the testimony be to night.

AFTERNOON SESSION.

In the afternoon the examination of Miss Cunningham resumed, as follows: By Mr. Dean:

Q—You proceed to where the testimony was taken as to the matter of the book?

A—Yes, Sir.

Q—There any singing in that house on the first Sunday after the death of Burnett? A. No, Sir; there was not there any singing there on the Sunday morning after.

Yes, Sir.

Q—Would you tell me what it was, and at what time, and circumstances? A. I had taken up my Prayer Book, and was reading some prayers, and turned over the leaves, and I said to myself, "I wish I knew, I took it up and sang some of it."

Q—You could tell us what it was you sang, is the book open?

A—No, Sir.

Q—Where took the book, and, unfolding the place, it to Mr. Dean.

A—Yes—I will read the verse, and see if this is the same as follows:

Q—"And moves in a mysterious way
His wonders to perform;
He plants his footsteps in the sea,
And rides upon the storm."

A—That is the last verse of the 12th hymn book of Common Prayer.

Q—You or your mother sing anything else that morning?

A—No, Sir. I did not sing any thing, I am the only person

Q—You say you know the way or manner in which it should be done? A— I have no way or manner or any knowledge as to the time when he was A. I have not.

Q—You say you knowledge as to the person who killed him? A— No.

Q—That is all, nothing? A— I have no questions to ask this witness.

TESTIMONY OF SMITH ELY, JR.

Next witness was Smith Ely, Jr., who, being testified as follows:

Examination conducted by Mr. Dean.

Here is your place of business, and what is your business? A— I am in the leather business, in Ferry street.

Q—You are a witness? A— Yes.

Q—You were acquainted with John J. Ekel? A— Yes.

Q—You were acquainted with him last January? A— Yes, Sir.

Q—You were at the hearing place, on the 29th of January?

Q—You call there on the evening of the 29th of January?

Q—What about him? A— I think it was between 7 and 8 o'clock.

Q—You leave any written message for him? A— I left a note.

Q—What do you leave it? A— With a lady at the Columbus.

Q—You leave it herself? A— Yes; I was not positive as to that.

Q—That is Mrs. Cunningham, but from seeing her now it was the person.

Q—That is a note for Mr. Ekel? A— Yes, Sir.

Q—You know that because of that note? A— I do not.

Q—Mr. Ekel most—

that Mr. Eckel's relations in this case, agreeably to the statement made by the president of the company, to the effect that the defendant attorney in this case, we let by objections, and your Honor excused all the rest of that subject, and cut out a large share of it. And we certainly must apply the rule, not to impeach at all events the testimony of Eckel's witnesses, this morning, as respects this witness, must not interpose every objection.

DEAN.—It is the first time that I ever heard a prosecutor advance, as a legal proposition, that the defense had no right to disprove that he had been made by the prosecution to disprove it by direct evidence of facts. But the witness, who was called, and the party who first discovered the lifeless body, Dr. Burdell, testified that he saw Mr. Eckel, and of the house No. 31 Bond street, in the rear upon the grass plot, at a certain hour in the morning offer this evidence for the purpose of showing that the body of Eckel was not at the place. Now, if Mr. Houghton, who was called by Dr. Burdell, but was at another place, in pursuit of a business engagement—a business appointment—

And the preceding evening, we certainly it in point of view. It is admissible that we were in the stand. Mr. Green said, "We offer it in point of view, to show why it was that Ekkel came earlier on the morning of Saturday than fall.—The Court will remember that the pro-secutor of Burchell no question about Mr. Ekkel, the witness was about to leave the stand, Mr. Ekkel, who was in Court, said, "The witness Green about Ekkel, but before he had time to leave the stand. And then Mr. Green of the time to ask about Ekkel. Therefore, it can be said that we introduced the testimony cor-rectly."

—You may ask the question.

—You ask Ekkel on Saturday morning? A. Yes.

—What hour? A. Shortly after 5 o'clock.

—What at No. 51 Bond street? A. It was at his place of

—What time when you called there did you have any conver-sation with the defendant? A. Nothing, except ordinary conversation that would be required at the door, by the porter, who would then deliver her the note to Mr. Ekkel.

—You notice any unusual manner in her appearance?

—No object of appearance.

—Did she appear? A. Not about the fact, and let the gen-eral inference.

—Was she dropped? A. I noticed nothing peculiar in her manner of appearance.

—What time you were acquainted with her? A. I had

you notice my snell upon these premises?" A. I did not throw a light in the hall?" A. I think there was.

TESTIMONY OF JOHN SMITH.

Decorated John Smith was next put upon the stand. He wears blue spectacles, and his features converge to a point, the chin coming up to the forehead at the nose; he sports heavy black whiskers, frequently compressed together, which, through a casual number of teeth, he reveals, and style of pronunciation to our surprise, who had always supposed him to be a native. He was rather elegantly dressed, and gave braggish in his manner, his expression is manifestly satisfied with the world.

Examination conducted by Mr. Dean.

Q.—Where is your residence? A.—No. 56 Great street.

Q.—You know Mr. Ekel? A. Yes, Sir; I have seen him; I know the premises No. 21 Strand street? A. Yes, on some day in October last, a piece of farmers of about that day? A. It was the latter part of October.

Q.—Did you see them there? A. I saw Mr. Burd, Mrs. M., the daughter, and between a couple of new